

UNITED STATES PRETRIAL SERVICES AGENCY
Eastern District of New York

MEMORANDUM

JRC

6/3/2022

DATE: June 3, 2022

TO: James R. Cho
U.S. Magistrate Judge

RE: Romano, Ivan
Docket No.: 1:22-00544M

Notification of Positive Drug Test Result, Request for Modification of Release Conditions, Passport Information

The above-referenced defendant was arrested on May 25, 2022, charged in a Complaint with Distribution and Possession with Intent to Distribute Fentanyl, in violation of Title 21 U.S.C. § 841. He made his initial appearance before United States Magistrate Judge Taryn Merkl on the same day and was released on a \$200,000 unsecured bond, cosigned by three sureties, with the following conditions: (1) Report to Pretrial Services as directed, (2) Travel restricted to New York City and Long Island, (3) Avoid contact with any coconspirators and/ or sources of drugs, narcotics paraphernalia and firearms, (4) Surrender passport(s) and do not obtain a new one, (5) Be subject to random home and employment visits, (6) Submit to drug testing and participate in evaluations and drug treatment as deemed necessary, and (7) Seek and maintain verifiable employment.

We are writing to advise Your Honor that the defendant's initial drug test returned positive for marijuana. Notably, during the bail interview, the defendant was forthright about his history of marijuana use dating back to his teenage years and disclosed having ingested marijuana the day before his arrest. The defendant denied any past participation in a residential or outpatient treatment and noted that he could abstain from drug use on his own volition. This portion of the memorandum is provided to the Court for informational purposes only as Pretrial Services is not recommending any action at this time. We will continue to test the defendant regularly and notify the Court of any further positive results.

Additionally, during his initial appearance, the defendant was ordered to surrender his United States passport by May 26th, 2022. During the bail interview, the defendant advised that he possessed a valid United States passport which was located at his residence. Shortly after his release, the defendant informed Pretrial Services that his passport was, in fact, not at his residence as he had thought, and he believed that the arresting agents took his passport. When Pretrial Services contacted the arresting agents, they informed that they only seized the defendant's passport card and state identification card, but not the passport book. Due to the conflicting accounts of the passport's location, and with the consent of defense counsel, Pretrial Services instructed the defendant to submit a Statement of Lost or Stolen Passport to the Department of State, so that any attempt at the use of his passport for travel would be flagged by the Department. The defendant submitted proof of the submission to Pretrial Services on May 26, 2022. Furthermore, Pretrial Services submitted a Passport Stop Notice to the Department of State on the same day.

Lastly, Pretrial Services respectfully requests that the defendant's conditions of release be modified to include mental health evaluation and treatment as deemed appropriate by Pretrial Services. During a post-release interview, the defendant expressed that he is feeling depressed and stressed due to the arrest and he requested mental health treatment. Assistant United States Attorney Adam Toporovsky and defense counsel Susan Kellman were advised of the request, and both consented to the modification. Should Your Honor grant the request to add the condition, a proposed Order has been attached for Your Honor's convenience.

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Pretrial Services will provide defense counsel Susan Kellman and Assistant United States Attorney Adam Toporovsky a copy of this memorandum. Should Your Honor require additional information, please do not hesitate to contact the undersigned at (718) 613-2334.

Prepared by: Vilmary Colon
Vilmary Colon
U.S. Pretrial Services Officer

Approved by: 
Brian Manganaro
Supervising U.S. Pretrial Services Officer

CC: Adam Toporovsky, Assistant U.S. Attorney
Susan Kellman, CJA

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IT IS THE ORDER OF THE COURT THAT:

- The defendant's conditions of release be modified to include mental health evaluation and treatment as deemed appropriate by Pretrial Services.
- No action with regard to the defendant's conditions of release is to take place at this time.
- Other: _____

SO ORDERED,

s/ James R. Cho

Honorable James R. Cho
U.S. Magistrate Judge

6/3/2022

Date

CC: CC: Adam Toporovsky, Assistant U.S. Attorney
Susan Kellman, CJA